

State of Minnesota
County of HennepinDistrict Court
4th Judicial DistrictProsecutor File No. 19-16315
Court File No. 27-CR-19-26810

State of Minnesota,

Plaintiff,

vs.

JAYRON KHARI KEARSE DOB: 02/11/199415290 JOHNSON ST
FORT MEYERS, FL 33908

Defendant.

COMPLAINT

Summons

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I**Charge: CARRY/POSSESS PISTOL W/OUT PERMIT - PUBLIC PLACE - GROSS MISDEMEANOR**

Minnesota Statute: 624.714.1a

Maximum Sentence: 0-1 year and/or \$0-\$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/27/2019

Control #(ICR#): 19512971

Charge Description: ... carry, hold, or possess a pistol in a motor vehicle, snowmobile, or boat, or on or about the person's clothes or the person, or otherwise in possession or control in a public place, as defined in Minn. Stat. §624.7181, Subd. 1, paragraph (c), without first having obtained a permit to carry the pistol;

COUNT II**Charge: CARRYING PISTOL WHILE UNDER INFLUENCE OF ALCOHOL**

Minnesota Statute: 624.7142.1(4)

Maximum Sentence: 0-90 days and/or \$0-\$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 10/27/2019

Control #(ICR#): 19512971

Charge Description: ... carry a pistol on or about the person's clothes or person in a public place when the person is under the influence of alcohol;

COUNT III**Charge: TRAFFIC - DWI - OPERATE MOTOR VEHICLE UNDER INFLUENCE OF ALCOHOL - FOURTH DEGREE**

Minnesota Statute: 169A.20.1(1), with reference to: 169A.27.1

Maximum Sentence: 0-90 days and/or \$0-\$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 10/27/2019

Control #(ICR#): 19512971

Charge Description: ... drive, operate, or be in physical control of any motor vehicle while the person is under the influence of alcohol;

COUNT IV

Charge: DWI - OPERATE MOTOR VEHICLE - ALCOHOL CONCENTRATION 0.08 WITHIN 2 HOURS-FOURTH DEGREE

Minnesota Statute: 169A.20.1(5), with reference to: 169A.27.1

Maximum Sentence: 0-90 days and/or \$0-\$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 10/27/2019

Control #(ICR#): 19512971

Charge Description: ... drive, operate or be in physical control of a motor vehicle when his/her alcohol concentration was 0.08 or more at the time, or as measured within two hours of the time;

COUNT V

Charge: TRAFFIC - CARELESS DRIVING - Operate any vehicle carelessly on street or highway

Minnesota Statute: 169.13.2(a)

Maximum Sentence: 0-90 days and/or \$0-\$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 10/27/2019

Control #(ICR#): 19512971

Charge Description: . . . operate or halt any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

STATEMENT OF PROBABLE CAUSE

That on or about October 27, 2019, at approximately 3:15 a.m., Trooper Gabe Cornish was working a closed construction zone on I-94 eastbound at Cedar Avenue in Minneapolis, Hennepin County Minnesota. Cornish was stationed at this point to protect the workers who were working on this closed stretch of road. At approximately 3:15 a.m., Trooper Cornish observed a vehicle coming eastbound on I-94 and it was traveling in the closed section of the road. The road was closed off to traffic by barricades. Cornish activated his emergency lights and initiated a traffic stop. While Cornish was dealing with that driver, two other vehicles came into the closed section of I-94. One of the vehicles was a grey Mercedes, Florida plates JZ XK47. Cornish signaled for both of those vehicles to pull over and stop.

Cornish approached the vehicle with Florida plates and smelled the very strong odor of alcohol coming from inside the vehicle. There were three people inside the vehicle, the driver, a male passenger and a female passenger. The driver was identified by his Florida driver's license as Jayron Khari Kearse, Defendant herein. Cornish observed that the Defendant's eyes were bloodshot and glossy. The Defendant was removed from the vehicle and appeared unsteady as he walked to the squad car. The Defendant was asked to perform several field sobriety tests, which he was deemed to have failed. The Defendant agreed to submit to a PBT, which he also failed. The Defendant was then placed under arrest for driving under the influence of alcohol. The Defendant was transported to the Hennepin County Jail where he was read the Breath Test Advisory. The Defendant indicated he understood the advisory and declined to speak with an attorney. The Defendant agreed to submit to a breath test. The Defendant took a breath test, which resulted in a reported value of .10 at 4:44 a.m.

After the Defendant was removed from the vehicle, Trooper Utes returned to the car to check on the male passenger, who had opened the door and was throwing up outside the vehicle due to his level of intoxication. When Utes approached he saw a 9mm black Glock handgun on the rear right floorboard in front of the male passenger's feet, partially hidden under the seat in front of him. The gun was loaded with 28 rounds and there was one round in the chamber. The male passenger told Utes the gun was not his and that he was not aware there was a gun inside the vehicle.

Trooper Droher read the Defendant his Miranda Warnings and the Defendant agreed to speak to him. The Defendant admitted he had been at the Gold Room and had consumed 4 drinks. The Defendant told Droher that he put the gun inside the vehicle under the rear passenger seat. The Defendant admitted that he carries the gun with him for protection. The Defendant stated that the male passenger was not aware there was a gun in the car. The Defendant admitted he did not have a permit to carry a gun in Minnesota.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

P Henstein
Trooper
2005 N Lilac Drive
Golden Valley, MN 55422
Badge: 59

Electronically Signed:
10/29/2019 09:43 AM
Hennepin County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Mary Ellen Heng
Deputy City Attorney - Criminal
Division
350 S 5th St Room 210
Minneapolis, MN 55415
(612) 673-2010

Electronically Signed:
10/29/2019 09:30 AM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☒ **SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on **November 13, 2019 at 8:30 AM** before the above-named court at the address listed on the attached court summons to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ **WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ **Execute in MN Only**☐ **Execute Nationwide**☐ **Execute in Border States**☐ **ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: October 29, 2019.

Judicial Officer

Susan Burke
District Court Judge

Electronically Signed: 10/29/2019 10:50 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JAYRON KHARI KEARSE

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: JAYRON KHARI KEARSE
DOB: 02/11/1994
Address: 15290 JOHNSON ST
FORT MEYERS, FL 33908

Alias Names/DOB:
SID: MN19C18700
Height:
Weight:
Eye Color:
Hair Color:
Gender:
Race:
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: Yes
Driver's License #: K620431940510 (FL)
SILS Person ID #: 871040
SILS Tracking No. 3136394
License Plate #: JZXK47 (FL)
Vehicle Info: Mercedes-Benz Mercedes Passenger Vehicle
Alcohol Concentration: Breath Machine: 0.1000

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	10/27/2019	624.714.1a Carry/Possess Pistol w/out Permit - Public Place - Gross Misdemeanor; Second or Subsequent - Felony	Gross Misdemeanor	W2527		MNMHP0400	19512971
2	Charge	10/27/2019	624.7142.1(4) Carrying Pistol While Under Influence of Alcohol	Misdemeanor			MNMHP0400	19512971
3	Charge	10/27/2019	169A.27.1 DWI - Fourth-Degree Driving While Impaired; Described	Misdemeanor			MNMHP0400	19512971
	Charge	10/27/2019	169A.20.1(1) Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol	Misdemeanor			MNMHP0400	19512971
4	Charge	10/27/2019	169A.20.1(5) Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours	Misdemeanor			MNMHP0400	19512971
	Charge	10/27/2019	169A.27.1 DWI - Fourth-Degree Driving While Impaired; Described	Misdemeanor			MNMHP0400	19512971
5	Charge	10/27/2019	169.13.2(a) Traffic - Careless Driving - Operate any vehicle carelessly on street or highway	Misdemeanor			MNMHP0400	19512971